

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: Douglas Q. Tran
Daisuke ISHIZUKA)	
	:	Group Art Unit: 2625
Application No.: 10/763,165)	
	:	Confirmation No.: 6718
Filed: January 26, 2004)	
	:	
For: IMAGE SCANNING APPARATUS)	
HAVING A SCANNING POSITION	:	
ADJUSTMENT CAPABILITY)	February 5, 2009

Mailstop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the restriction requirement set forth in the Office Action dated January 5, 2009, the Examiner asserts that the subject application contains two patentably distinct groups of inventions, and requires that one group of claims be elected. However, Applicant respectfully submits that the two groups of claims subject to restriction (Group I, consisting of Claims 3, 8, 10, 12-13, 24, 41, and 51-52, and Group II, consisting of Claims 49-50) are closely related and that a proper search of any of the claims of one group would likely include a search of the claims of the other group. Thus, Applicant submits that all of the claims can be searched simultaneously without undue burden and that a duplicative

search with possibly inconsistent results may occur if the restriction requirement is maintained. Therefore, in the interest of economy, both for the Office and Applicant, withdrawal of the restriction requirement is respectfully solicited.

Nevertheless, in order to comply with the requirements of 37 CFR 1.143, Applicant provisionally elects Group I, Claims 3, 8, 10, 12-13, 24, 41, and 51-52.

Applicant requests favorable consideration.

Applicant's undersigned attorney may be reached in our Washington, D.C., office by telephone at (202) 530-1010. All correspondence should be directed to our address listed below.

Respectfully submitted,

/Christopher W. Ferguson/

Attorney for Applicant
Christopher W. Ferguson
Registration No. 59,809

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200
CWF:ayr